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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	Case No. 12cr3137-MMA-1
	)	
Plaintiff,	)	
	)	
v.	)	<b>PRELIMINARY ORDER OF</b>
	)	<b>CRIMINAL FORFEITURE</b>
	)	
GERARDO CHAVEZ (01),	)	
	)	
Defendant.	)	
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WHEREAS, in the Indictment and Bill of Particulars in the above-captioned case, the United States sought forfeiture of all right, title, and interest in specific properties of the above-named Defendant GERARDO CHAVEZ (1) ("Defendant"), as properties constituting or derived from proceeds the defendant obtained, directly or indirectly, as a result of the violations set forth in Counts 1, 2, and 3, to which he has entered guilty pleas, and subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and as properties involved in the offense of money laundering, as set forth in Count 57, to which the Defendant pled guilty, and subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 982(a)(1), as charged in the Indictment; and

WHEREAS, on or about November 15, 2012, the Defendant, pled guilty before Magistrate Judge Karen S. Crawford to Counts 1, 2, 3, and 57 of the Indictment, and on November 29, 2012, this Court accepted the guilty plea of Defendant, which plea included

1 consent to the criminal forfeiture allegations pursuant to Title 18 and Title 28 as set forth in the  
2 Indictment; and

3 WHEREAS, by virtue of the facts set forth in the plea agreement and forfeiture  
4 addendum, the United States has established the requisite nexus between the forfeited  
5 properties and the offense; and

6 WHEREAS, by virtue of said guilty plea, the United States is now entitled to  
7 possession of said properties, pursuant to 18 U.S.C. § 981 and 982, 28 U.S.C. § 2461( c) and  
8 Rule 32.2(b) of the Federal Rules of Criminal Procedure; and

9 WHEREAS, pursuant to Rule 32.2(b)(3), the United States having requested the  
10 authority to take custody of the following properties which were found forfeitable by the Court,  
11 namely:

- 12 (1) The real property located at 401 Industrial Road, Tecate, CA 91980, and  
13 all appurtenances affixed thereto, more particularly described as:

14 **ASSESSORS PARCEL NO. 652-170-33-00**

15 That portion of Homestead Entry Survey No. 81, in the County of San Diego,  
16 State of California, according to Official Plat thereof embracing a portion of  
17 Section 25, Township 18 South, Range 3 East, San Bernardino Meridian, in the  
18 County of San Diego, State of California, according to Official Plat thereof  
19 described as follows:

20 Beginning at the point of intersection of the Southerly line of Lot 3, with a line  
21 which is parallel with and 40 feet Westerly measured at right angles from the  
22 Westerly line of Lot 2, as said Lots 2 and 3 are shown on Wilmar's La Fronteras  
23 Estates, according to Map thereof No. 4771, filed in the office of the County  
24 Recorder of San Diego County; thence along the boundary line of said Lot 3,  
25 South 84 degrees 15' West 159.42 feet; thence North 5 degrees 45' West 200  
26 feet; thence South 84 degrees 15' West 250 feet' thence South 0 degrees 01'  
27 West 425 feet to a point in a line which is parallel with and 40 feet Northerly  
28 measured at right angles from the South line of Homestead Entry Survey No. 81,  
according to Official Plat thereof; thence along said parallel line North 84  
degrees 26' 25" East 450 feet; more or less to said line which is parallel with and  
40 feet Westerly measured at right angles from the Westerly line of Lot 2;  
thence North 5 degrees 45' West along said parallel line to the Point of  
Beginning;

- 25 (2) Individual Customs Broker License Number 20014;  
26 (3) Customhouse Broker San Diego District Permit Number 2500-009;  
27 (4) Customhouse National Permit Number 10-066;  
28 (5) the Mossberg shotgun with serial number TD96093; and

1 (6) all money and property held in Rabobank Account No. \*\*\*\*4624; and  
2 WHEREAS, the United States, having submitted the Order herein to the Defendant  
3 through his attorney of record, to review, and no objections having been received;

4 Accordingly, **IT IS HEREBY ORDERED THAT:**

5 1. Based upon the guilty plea of the Defendant, the United States is hereby  
6 authorized to take custody and control of the following assets, and all right, title, and interest of  
7 Defendant GERARDO CHAVEZ (1) in the following properties are hereby forfeited to the  
8 United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C.  
9 § 853(n):

10 (1) The real property located at 401 Industrial Road, Tecate, CA 91980, and  
11 all appurtenances affixed thereto, more particularly described as:

12 **ASSESSORS PARCEL NO. 652-170-33-00**

13 That portion of Homestead Entry Survey No. 81, in the County of San Diego,  
14 State of California, according to Official Plat thereof embracing a portion of  
15 Section 25, Township 18 South, Range 3 East, San Bernardino Meridian, in the  
16 County of San Diego, State of California, according to Official Plat thereof  
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22 Recorder of San Diego County; thence along the boundary line of said Lot 3,  
23 South 84 degrees 15' West 159.42 feet; thence North 5 degrees 45' West 200  
24 feet; thence South 84 degrees 15' West 250 feet' thence South 0 degrees 01'  
25 West 425 feet to a point in a line which is parallel with and 40 feet Northerly  
26 measured at right angles from the South line of Homestead Entry Survey No. 81,  
27 according to Official Plat thereof; thence along said parallel line North 84  
28 degrees 26' 25" East 450 feet; more or less to said line which is parallel with and  
40 feet Westerly measured at right angles from the Westerly line of Lot 2;  
thence North 5 degrees 45' West along said parallel line to the Point of  
Beginning;

23 (2) Individual Customs Broker License Number 20014;  
24 (3) Customhouse Broker San Diego District Permit Number 2500-009;  
25 (4) Customhouse National Permit Number 10-066;  
26 (5) the Mossberg shotgun with serial number TD96093; and  
27 (6) all money and property held in Rabobank Account No. \*\*\*\*4624 .  
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2. The aforementioned forfeited assets are to be monitored or held by Homeland Security Investigations in its secure custody and control.

3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights of third parties.

4. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21, United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall publish for thirty (30) consecutive days on the Government's forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, notice of the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.


5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought.

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties that are the subject of the Preliminary Order of Criminal Forfeiture.

7. Upon adjudication of all third-party interests, this Court will enter an Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

**IT IS SO ORDERED.**

DATED: January 3, 2013



Hon. Michael M. Anello  
United States District Judge